Robert Yaquinto, Jr.

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ATTORNEYS FOR

CEDAR SPRINGS BUILDING MANAGEMENT, LTD

IN THE UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

IN RE:

CEDAR SPRINGS BUILDING \$ CASE NO. 09-36705-SGJ-11
MANAGEMENT, LTD \$
DEBTOR

DEBTOR'S MOTION FOR ENTRY OF FINAL DECREE

TO: THE HONORABLE STACEY G.C. JERNIGAN, UNITED STATES BANKRUPTCY JUDGE

CEDAR SPRINGS BUILDING MANAGEMENT, LTD ("Cedar Springs"), the Debtor in the above styled case, files this Motion for Entry of Final Decree pursuant to Bankruptcy Rule 3022.

JURISDICTION

1. This court has jurisdiction over this matter pursuant to 11 U.S.C. §350; 28 U.S.C. §157 and 1334; and Bankruptcy Rule 3002. This is a core proceeding.

BACKGROUND

Cedar Springs Building Management, Ltd filed a voluntary Chapter 11 on October 5,
 The Order Confirming the Second Amended Plan was entered on September 7, 2010.

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- 3. Since entry of the Order confirming the plan, Debtor has made two payments to Victor Enterprises, Inc. as required in the plan. Melissa Properties, Ltd has been paid in full and its notes and liens have been assigned to Legacy Associates, LLC. The initial payment to Small Business Administration/ Fort Worth Economic Development Corporation has been made and Cedar Springs is making arrangements to have the monthly payment withdrawn from its account automatically. The final fee application of Debtor's Counsel has been filed and set for hearing. Arrangements have been made for the payment of fees and expenses allowed by the Court.
- 4. The estate has been fully administered. With the exception of any allowed attorneys fees, the remaining creditors are secured creditors and their rights have been preserved in Debtor's Second Amended Plan and the Order Confirming Plan.

RELIEF REQUESTED

- 5. Bankruptcy Rule 3022 provides that a Final Decree shall enter a Final Decree closing the case once the case has been fully administered. Factors the court should consider in determining whether the estate is fully administered are: a) has the order confirming the plan become final; b) have deposits required under the plan been made; c) has the property proposed to be transferred in the plan been transferred; d) has the debtor assumed management of the business; e) have payments commenced; f) have all motions, contested matters or adversaries been resolved.
- 6. In this case a) the confirmation order has become final; b) there were no deposits required to be made under the plan; c) Legacy Associates, LLC has paid the debt of Melissa Properties, Ltd and has taken an assignment of its lien position. Furthermore, Legacy Associates, LLC has entered into a subordination agreement with Victor Enterprises, Inc. as required under the plan. Victor Enterprises, Inc.'s is now holds the first lien on Debtor's real property; d) debtor has assumed management of its real estate; e) all payments have commenced; f) the final fee

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application of Debtor's counsel is the only unresolved matter and it will have been resolved before this Court enters the final decree. All motions, contested matters and adversary proceedings have been resolved.

PRAYER

Cedar Springs Building Management, Ltd prays that this court enter an Order a Final Decree closing this case and discharging debtor; and for such other and further relief to which it shows itself entitled.

Respectfully submitted,

/s/ Robert Yaquinto, Jr.

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CERTIFICATE OF SERVICE

I certify that on this 8th day of November, 2010, a true and correct copy of the <u>DEBTOR'S</u> <u>MOTION FOR ENTRY OF FINAL DECREE</u> was forwarded to all of the creditors on the attached service list by first class mail, postage prepaid and/or electronically by serving all parties receiving copies of pleadings filed in this case through the ECF system.

/s/ Robert Yaquinto, Jr. Robert Yaquinto, Jr.

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